

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

[illegible]

DECLARATION OF JON T. KING IN SUPPORT OF

- 1) **MOTION OF UNION FEDERALE DES CONSOMMATEURS – QUE CHOISIR TO INTERVENE FOR THE LIMITED PURPOSE OF SEEKING MODIFICATION TO PROTECTIVE ORDERS; AND**
- 2) **APPLICATION PURSUANT TO 28 U.S.C. § 1782 FOR AN ORDER REQUIRING INTEL AND THIRD PARTIES TO PROVIDE ACCESS TO DOCUMENTS AND DEPOSITION TESTIMONY FOR USE IN FOREIGN PROCEEDINGS**

I, Jon T. King, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I make this declaration upon personal knowledge and am competent to testify to the facts set forth herein.

2. I am an attorney with the law firm of Cohen, Milstein, Hausfeld & Toll, P.L.L.C., and counsel for proposed intervenor Union Federale Des Consommateurs – Que Choisir (“UFC-Que Choisir”) in the above-captioned case. I submit this Declaration in support of UFC-Que Choisir’s Motion to Intervene for the Limited Purpose of Seeking Modification to Protective Orders; and Application Pursuant to 28 U.S.C. § 1782 for an Order Requiring Intel and Third Parties to Provide Access to Documents and Deposition Testimony for Use in Foreign Proceedings (the “Motion”).

3. Vincent Smith, a partner in my firm’s London office, and my firm’s direct liaison with UFC-Que Choisir, has provided me with the information discussed herein regarding UFC-Que Choisir, as well as the European law references discussed herein and in the Motion. Mr. Smith joined my firm in May of 2007, and previously served at the United Kingdom’s Office of Fair Trading (the “OFT”), where he was Senior Director for Competition and Director of its Competition Enforcement division from 2003 to 2007. Mr. Smith led the OFT’s 180-member competition department, with overall responsibility for the OFT’s work in combatting cartels and other anti-competitive practices, and for the OFT’s merger control duties. Mr. Smith also is fluent in French, and has a Masters degree in European Law, with distinction, from the University of Liège and a first degree in law and French from the University of Surrey.

4. UFC-Que Choisir is a French consumer association founded in 1951 that is comprised of approximately 170 local associations with more than 124,000 members. UFC-Que Choisir is solely dedicated to representing the interests of consumers, *i.e.*, ensuring the

recognition and respect of consumer rights and the free expression of consumer opinions, and defending consumer interests individually and collectively. It also is dedicated to representing consumers' legal, financial, and moral interests in all appropriate forums. UFC-Que Choisir also publishes a monthly magazine, *Que Choisir*, read by more than 4.5 million readers, which details consumer product testing and reviews on the basis of value, safety, energy consumption, and other criteria.

5. The French government Ministry (the Ministry of Justice), has approved UFC-Que Choisir to exercise rights on behalf of consumers pursuant to the French Consumer Code (the "Code"), most recently by the decision dated July 27, 2006, a true and correct copy of which is attached hereto as Exhibit 1.

6. Attached hereto as Exhibit 2, consistent with D. Del. LR 7.1.3(d), is a true and correct English translation of Exhibit 1.

7. Attached hereto as Exhibit 3 is a true and correct copy of various portions of the French Consumer Code.

8. Attached hereto as Exhibit 4, consistent with D. Del. LR 7.1.3(d), is a true and correct English translation of Exhibit 3.

9. Attached hereto as Exhibit 5 is a true and correct copy of the French Commercial Code, Art. L462-1.

10. Attached hereto as Exhibit 6, consistent with D. Del. LR 7.1.3(d), is a true and correct English translation of Exhibit 5.

11. UFC Que-Choisir is a founding member of the European Bureau of Consumer Unions (BEUC). The BEUC is based in Brussels and represents the interests of more than 40 consumer organizations across Europe. The BEUC, like UFC-Que Choisir, has been granted

permission by the EC to intervene in the Intel proceedings, and appeared at the March 11, 2008 hearing in Brussels to present its views on behalf of consumers.

12. Attached hereto as Exhibit 7 is a copy of a BEUC press release dated March 11, 2008 and titled "*The price of 'chips' is an important consumer issue.*"

13. UFC-Que Choisir has appeared before the European Commission in other cases in a similar capacity and before the French Competition Council, including in matters involving the mobile telephone industry. UFC-Que Choisir also has a demonstrated history of litigation on behalf of consumers in French courts. For example, following UFC-Que Choisir's complaint to the French Competition Council in February 2002 that three French telecommunications companies were illegally engaged in cartel activity, the Council fined Orange, SFR and Bouygues a total of more than €500 million in 2005. UFC-Que Choisir is currently assisting more than 12,000 consumers and acting in its own name in the Paris courts to obtain damages from the companies for the losses caused by this cartel.

14. UFC-Que Choisir is also currently awaiting the decision of the Competition Council following a complaint made in February 2007 concerning an apparent cartel in the retail sale of toys – the retail prices of the most popular toys in France were the same in each distribution channel in between 70% and 90% of cases.

15. UFC-Que Choisir has also been active in asserting consumer rights in the consumer electronics and related sectors. For example, it took court action against Sony France and Sony UK in 2005 as a result of which those companies were condemned for having mislead consumers by unlawfully preventing paid music downloads from Sony's proprietary internet site from working with music players made by other manufacturers. A similar action against Apple is ongoing.

16. UFC-Que Choisir is currently engaged in litigation against two large French retail chains and HP (Hewlett Packard) for only selling computers to consumers with pre-installed software (despite provisions in French law giving consumers the right to refuse bundled software).

17. Attached hereto as Exhibit 8 is a true and correct copy of a European Commission press release dated July 27, 2007.

18. Attached hereto as Exhibit 9 is a true and correct copy of a European Commission press release dated February 12, 2008.

19. Attached hereto as Exhibit 10 are true and correct copies of pages 1 and 87 of Intel Corp.'s United States Securities and Exchange Commission Form 10-K dated February 20, 2008.

20. Attached hereto as Exhibit 11 is a true and correct copy of an Agence France-Presse news agency article dated February 12, 2008 and titled "*EU regulators raid Intel, computer retailers in antitrust probe.*"

21. Attached hereto as Exhibit 12 is a true and correct copy of a letter from Karen Williams, European Commission Hearing Officer, to Mr. Bazot of UFC-Que Choisir, dated March 6, 2008.

22. Attached hereto as Exhibit 13 is a true and correct copy of Article 211 of the EU Treaty.

23. Attached hereto as Exhibit 14 is a true and correct copy of Regulation 1/2003 of January 4, 2003 –Official Journal of the European Communities, 2003, L1/1.

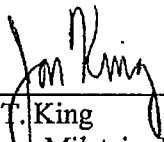
24. Attached hereto as Exhibit 15 is a true and correct copy of EC Regulation 773/2004, April 7 2004, Official Journal L123/18, Article 15(2).

25. Attached hereto as Exhibit 16 is a true and correct copy of the European Court of Justice decision in *Courage v Creehan*, case C-453/99, [2001] ECR-I 6297.

26. UFC-Que Choisir gave its preliminary observations at the EC hearing in the Intel matter on March 11, 2008 in Brussels. In that hearing, UFC-Que Choisir expressed to the EC that it was contemplating the eventual institution of damages litigation.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 4th day of April, 2008, at San Francisco, California.



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